

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1032

Introduced by Wightman, 36; Campbell, 25.

Read first time January 17, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 sections 38-105 and 38-124, Reissue Revised Statutes of
3 Nebraska, and section 38-101, Revised Statutes Cumulative
4 Supplement, 2010; to change provisions relating to
5 display of credentials and advertisement; to provide for
6 disciplinary action; to harmonize provisions; and to
7 repeal the original sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-101, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 38-101 Sections 38-101 to 38-1,140 and section 3 of this
4 act and the following practice acts shall be known and may be cited
5 as the Uniform Credentialing Act:

- 6 (1) The Advanced Practice Registered Nurse Practice Act;
- 7 (2) The Alcohol and Drug Counseling Practice Act;
- 8 (3) The Athletic Training Practice Act;
- 9 (4) The Audiology and Speech-Language Pathology Practice
10 Act;
- 11 (5) The Certified Nurse Midwifery Practice Act;
- 12 (6) The Certified Registered Nurse Anesthetist Practice
13 Act;
- 14 (7) The Chiropractic Practice Act;
- 15 (8) The Clinical Nurse Specialist Practice Act;
- 16 (9) The Cosmetology, Electrology, Esthetics, Nail
17 Technology, and Body Art Practice Act;
- 18 (10) The Dentistry Practice Act;
- 19 (11) The Emergency Medical Services Practice Act;
- 20 (12) The Environmental Health Specialists Practice Act;
- 21 (13) The Funeral Directing and Embalming Practice Act;
- 22 (14) The Hearing Instrument Specialists Practice Act;
- 23 (15) The Licensed Practical Nurse-Certified Practice Act;
- 24 (16) The Massage Therapy Practice Act;
- 25 (17) The Medical Nutrition Therapy Practice Act;

- 1 (18) The Medical Radiography Practice Act;
2 (19) The Medicine and Surgery Practice Act;
3 (20) The Mental Health Practice Act;
4 (21) The Nurse Practice Act;
5 (22) The Nurse Practitioner Practice Act;
6 (23) The Nursing Home Administrator Practice Act;
7 (24) The Occupational Therapy Practice Act;
8 (25) The Optometry Practice Act;
9 (26) The Perfusion Practice Act;
10 (27) The Pharmacy Practice Act;
11 (28) The Physical Therapy Practice Act;
12 (29) The Podiatry Practice Act;
13 (30) The Psychology Practice Act;
14 (31) The Respiratory Care Practice Act;
15 (32) The Veterinary Medicine and Surgery Practice Act;
16 and
17 (33) The Water Well Standards and Contractors' Practice
18 Act.

19 If there is any conflict between any provision of
20 sections 38-101 to 38-1,139 and any provision of a practice act, the
21 provision of the practice act shall prevail.

22 The Revisor of Statutes shall assign the Uniform
23 Credentialing Act, including the practice acts enumerated in
24 subdivisions (1) through (32) of this section, to consecutive
25 articles within Chapter 38.

1 Sec. 2. Section 38-105, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-105 For purposes of the Uniform Credentialing Act,
4 unless the context otherwise requires, the definitions found in
5 sections 38-106 to 38-120 and section 3 of this act apply.

6 Sec. 3. Advertisement means any communication or
7 statement, whether printed, electronic, or oral, that names a
8 credential holder in relation to his or her practice or profession or
9 the institution in which the individual is employed, volunteers, or
10 otherwise provides health services, health-related services or
11 environmental services, including business cards, letterhead, patient
12 brochures, email, Internet, audio, and video and any other
13 communication or statement used in the course of business.

14 Sec. 4. Section 38-124, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 38-124 (1)(a) This subsection applies only to credential
17 holders who have direct patient care interactions for health care
18 services.

19 (b) A credential holder's advertisement for health care
20 services shall identify the type of credential held by the credential
21 holder pursuant to the definitions, titles, and abbreviations
22 authorized under the practice act applicable to his or her credential
23 or the examination designations required for a credential under the
24 practice act applicable to his or her credential. The advertisement
25 shall not include deceptive or misleading information and shall not

1 include any affirmative communication or representation that
2 misstates, falsely describes, or falsely represents the skills,
3 training, expertise, education, board certification, or credential of
4 the credential holder.

5 (c) A credential holder shall wear a name tag during all
6 patient care interactions for health care services that clearly
7 identifies the type of credential held unless wearing the name tag is
8 precluded by adopted sterilization or isolation protocols. The name
9 tag shall be of sufficient size and be worn in a conspicuous manner
10 so as to be visible and apparent.

11 (d) If a credential holder has one or more offices in
12 which he or she has direct patient care interactions with current or
13 prospective patients, the credential holder shall display in each of
14 such offices, in writing, a statement that clearly identifies the
15 type of credential held. The statement shall be in print of
16 sufficient size so as to be visible and apparent to all patients.

17 (e) A credential holder shall use only the licensure
18 titles or abbreviations authorized by the practice act applicable to
19 his or her credential, examination designations required for a
20 credential under the practice act applicable to his or her
21 credential, or the title authorized by the practice act applicable to
22 his or her credential for students in training.

23 (f) A credential holder who is a student or resident in
24 medical training and does not have a full credential in Nebraska
25 shall only be required to wear a name tag that clearly identifies the

1 credential holder by name and as a student or resident as authorized
2 by the practice act applicable to his or her credential.

3 (2)(a) This subsection applies to credential holders who
4 do not have direct patient care interactions for health care
5 services.

6 ~~Every~~ (b) Any such person credentialed under the Uniform
7 Credentialing Act shall make the person's current credential
8 available upon request. The department, with the recommendation of
9 the appropriate board, if any, shall determine how a consumer will be
10 able to identify such a credential holder. The method of
11 identification shall be clear and easily accessed and used by the
12 consumer.

13 (c) All signs, announcements, stationery, and
14 advertisements of such persons credentialed under the act shall
15 identify the profession or business for which the credential is held.

16 (3) A credential holder who fails to comply with this
17 section is guilty of unprofessional conduct and is subject to
18 disciplinary action under the Uniform Credentialing Act.

19 Sec. 5. Original sections 38-105 and 38-124, Reissue
20 Revised Statutes of Nebraska, and section 38-101, Revised Statutes
21 Cumulative Supplement, 2010, are repealed.